

**SETTLEMENT AGREEMENT BETWEEN THE MISSOURI  
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS  
AND PAUL R. SPENCE, M.D.**

Come now Paul R. Spence, M.D., (hereinafter the "Licensee") and the State Board of Registration for the Healing Arts (hereinafter the "Board") and enter into this agreement for the purpose of resolving the question of whether Dr. Spence's license as a physician and surgeon will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo.

1. Licensee acknowledges that he understands the various rights and privileges afforded by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to present evidence on his own behalf; the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against the Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided to the Licensee by operation of law, the Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this agreement and agrees to abide by the terms of this document as they pertain to him.

2. The Licensee acknowledges that he may, at the time this agreement is effective or within fifteen days thereafter, submit this agreement to the Administrative

Hearing Commission for determination that the facts agreed to by the parties constitute grounds for discipline of the Licensee's license.

3. The Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.

4. The parties stipulate and agree that the disciplinary order agreed to by the Board and the Licensee in Part III herein is based only on the agreement set out in Parts I and II herein. The Licensee understands that the Board may take further disciplinary action against him based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

5. The Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this agreement as an open record of the Board as required by Chapters 334, 610, 620 and 621, RSMo, as amended.

#### I. JOINT STIPULATION OF FACTS

Based upon the foregoing, the Board and the Licensee herein jointly stipulate to the following:

6. The State Board of Registration for the Healing Arts is an agency of the State of Missouri created and established pursuant to § 334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

7. The Licensee is licensed by the Board as a physician and surgeon, License Number 2003013950. This license was first issued on June 18, 2003. Licensee's license is current, and was current and active at all times relevant herein.

8. The Licensee is also licensed by the Nebraska Department of Health and Human Services to practice medicine (Nebraska license).

9. On September 26, 2008, the Nebraska license was issued on probation for a period of five (5) years. The terms of the probationary license included compliance with all state and federal laws and the rules and regulations regarding the practice of medicine, abstention from the personal use of controlled substances and alcohol, submitting to random body fluid screen testing, compliance with all treatment recommendations, and notifying the Department of any changes in employment status within seven (7) days.

10. The reason for the aforementioned probation is that Licensee suffers from Major Depressive Disorder, Recurrent Type, and Drug and Alcohol Dependency. This constitutes a cause for the Missouri Board to discipline the Licensee's Missouri license pursuant to §§ 334.100.2(1), and (22), RSMo.

11. Effective August 7, 2009, further discipline was imposed on Licensee's Nebraska license because he violated the original probation by consuming alcohol on July 17-18, 2009 and he failed to call the fluid screen number and failed to appear for a random body fluid screen on July 17, 2009.

12. The new discipline imposed a fine of \$500 and the following requirements:

A. Licensee shall continue treatment with a mental health provider or psychiatrist and shall comply with all treatment recommendations. Said provider shall provide the Department with quarterly reports. Treatment shall continue as long as the mental health provider or psychiatrist deems such treatment to be necessary;

B. Licensee shall provide such written authorizations which may be requested by the Department for all medical and counseling records, information, and reports by the Department and by the Nebraska Attorney General in conformity 42 CFR Part 2.

13. The aforementioned discipline in Nebraska constitutes a cause for the Missouri Board to discipline the Licensee's Missouri license pursuant to § 334.100.2(8), RSMo.

## II. JOINT CONCLUSIONS OF LAW

14. Cause exists to discipline Licensee's license pursuant to Sections 334.100.2(1), (8), and (22), RSMo, which state:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

....

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter.

....

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee

or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

....

(22) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another physician who is authorized by law to do so;

....

15. The Licensee's conduct, as established by the foregoing facts, falls within the intendments of § 334.100.2, RSMo.

16. Cause exists for the Board to take disciplinary action against the Licensee's license under § 334.100.2, RSMo.

### III. JOINT AGREEMENT ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of § 621.110 RSMo 2000. This agreement, including the disciplinary order, will be effective immediately on the date entered and finalized by the Board. The following are the terms of the disciplinary order:

17. License number 2003013950, issued by the Board to the Licensee, and is hereby VOLUNTARILY SURRENDERED in lieu of disciplinary action for a period of five (5) years from the effective date of this agreement. Licensee understands that this

agreement is a public document and will be reported to the National Practitioner's Data Bank, the Health Integrity and Protection Data Bank, and the Federation of State Medical Boards as an action in lieu of discipline.

18. Within ten (10) days of the effective date of this agreement, the licensee shall return all indicia of Missouri medical licensure to the board, including but not limited to, his wall-hanging license and pocket card. For purposes of this agreement, all materials required to be submitted to the Board in this agreement shall be forwarded to The State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

19. In the event The State Board of Registration for the Healing Arts determines that the Licensee has violated any term or condition of this agreement, the Board may in its discretion, vacate this agreement and impose such further discipline as the Board shall deem appropriate.


20. This agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by the Licensee not specifically mentioned in this document.

21. The Licensee hereby waives and releases the Board, its members, and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any

of the matters raised in this agreement, or from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.


22. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

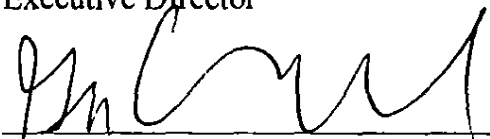
LICENSEE

  
Paul R. Spence, M.D. 4-11-2010  
Date

\_\_\_\_\_  
Attorney for Licensee Date  
Missouri Bar No. \_\_\_\_\_

BOARD

  
Tina Steinman 4/16/10  
Date  
Executive Director

  
Glenn E. Bradford  
General Counsel for the Board  
MO Bar No. 27396

EFFECTIVE THIS 16 DAY OF April, 2010.